

## **DRAFT RULE 200- February 18, 1999**

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Draft Rule 200 - February 18, 1999 will be discussed at Public Workshop #7 on Thursday, February 18, 1999 at 9 am in the Maricopa County Air Quality Division offices.

Direct comments and/or questions to the rule-writer, Johanna M. Kuspert

By telephone: 602-506-6710

By mail: Air Quality Division, 1001 North Central Avenue, Suite #201, Phoenix, AZ 85004

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The current due date for written comments on this draft is 5 pm on Friday, February 26, 1999.

## **REGULATION II - PERMITS AND FEES**

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**Repealed And Adopted 11/15/93**

**Revised 02/15/95**

**Revised 06/19/96**

## **MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS**

### **REGULATION II - PERMITS AND FEES**

#### **RULE 200 PERMIT REQUIREMENTS**

#### **SECTION 100 - GENERAL**

**101 PURPOSE:** ~~To provide an orderly procedure for the review of new sources of air pollution and for the modification and operation of existing sources through the issuance of permits.~~ Rule 200 describes the permitting requirements for new sources of regulated air pollutants and for the modification and operations of existing sources of regulated air pollutants.

**102 APPLICABILITY:** Rule 200 applies to the permitting requirements for new sources of regulated air pollutants and for the modification and operation of existing sources of regulated air pollutants.

**103 EFFECTIVE DATE OF THIS RULE:** The revisions to Rule 200, Sections 101, 102, 103, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, and Appendix A, adopted by the Board Of Supervisors on (date of Board adoption), shall be effective (the first day of the second month after the month of adoption).

#### **SECTION 200 - DEFINITIONS (NOT INCLUDED)**

See Rule 100 (General Provisions And Definitions) of these rules for definitions of terms used in this rule.

#### **SECTION 300 - STANDARDS:**

**301 STANDARDS FOR PERMITS REQUIRED** ~~÷ Except as otherwise provided in these rules, no person shall commence construction of, operate, or make a modification to any source subject to regulation under this rule without first obtaining a permit or permit revision from the Control Officer.~~ The following subsections of this rule, Subsection 301.1 thru Subsection 301.14, describe standards for activities that require a permit. The owner or operator of a source must first obtain a permit from the Control Officer, before commencing construction of or operating any of the activities listed in Subsection 301.1 thru Subsection 301.14 of this rule. Standards for permit exemptions are described

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in Section 302 of this rule. Whenever more than one standard in this rule applies to a source or whenever a standard in this rule and a standard in the Maricopa County Air Pollution Control Regulations Regulation III (Control Of Air Contaminants) applies to any source, the rule or combination of rules resulting in the lowest rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated. The issuance of any permit shall not relieve the owner or operator of a source from compliance with any Federal laws, Arizona laws, or these rules, nor does any other law, regulation or permit relieve the owner or operator from obtaining a permit required under these rules. For sources already possessing a permit, permit revisions shall be made in accordance with Rule 210 for Title V sources or Rule 220 for Non-Title V sources.

**301.1 Earthmoving Operations:** The owner or operator of a source shall obtain an Earthmoving Permit for any earthmoving operation that disturbs a total surface area of 0.10 acre or more. In addition to an Earthmoving Permit, the owner or operator of such source may also be required to obtain other permit(s), depending on whether or not other activities are to be conducted in conjunction with the earthmoving operation. See Maricopa County Air Pollution Control Regulations Rule 202 (Permit Requirements For Earthmoving Operations) and Rule 310 (Open Fugitive Dust Sources).

**301.2 Open Outdoor Fires:** The owner or operator of a source shall obtain a Burn Permit for any open outdoor fire authorized under the exceptions in ARS §49-501 or required by Rule 203 (Permit Requirements For Open Outdoor Burning Activities) and/or by Rule 314 (Open Outdoor Fires) of these rules. In addition to a Burn Permit, the owner or operator of such source may also be required to obtain other permit(s), depending on whether or not other activities are to be conducted in conjunction with the open outdoor fires. See Maricopa County Air Pollution Control Regulations Rule 203 (Permit Requirements For Open Outdoor Burning Activities) and Rule 314 (Open Outdoor Fires).

### **301.3 Hazardous Air Pollutants:**

- a.** The owner or operator of a source shall obtain a permit, if such source emits ten tons per year or more of a hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants listed pursuant to ARS §49-426.04(A)(1) and ARS §49-480.04(A)(1) and not listed in Section 112(b) of the Act (Hazardous Air Pollutants, List Of Pollutants).
- b.** The owner or operator of a source shall obtain a permit, if such source is within a category designated pursuant to ARS §49-426.05 and ARS §49-480.04(A)(2) and emits at least one ton per year of a hazardous air pollutant or at least 2.5 tons per year of any combination of hazardous air pollutants.

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**301.4 New Source Performance Standards (NSPS) Or National Emission Standards For Hazardous Air Pollutants (NESHAPS):** The owner or operator of a source shall obtain a permit, if such source is subject to standards, limitations, or other requirements under Section 111 of the Act (Standards Of Performance For New Stationary Sources) or Section 112 of the Act (Hazardous Air Pollutants).

### **301.5 Boilers And Other External Combustion Equipment:**

- a.** The owner or operator of a source shall obtain a permit, if such source operates any natural gas or liquified petroleum gas fueled external combustion equipment with an aggregated input capacity of 2,000,000 BTU (503,600 kilocalories) per hour or more calculated by adding only those pieces of equipment 300,000 BTU (75,540 kilocalories) per hour or more.
- b.** The owner or operator of a source shall obtain a permit, if such source operates any oil fueled external combustion equipment with a maximum rated input capacity or an aggregated input capacity of more than 1,000,000 BTU per hour for more than an eight-hour period.

### **301.6 Generators And Other Internal Combustion Equipment:**

- a.** The owner or operator of a source shall obtain a permit, if such source operates internal combustion engines with a manufacturer's maximum continuous rating of 50 horsepower or more or a maximum cumulative rating of 250 horsepower or more for engines used in the same process at one stationary source.
- b.** The owner or operator of a source shall obtain a permit, if such source operates internal combustion engines used as standby power due to a voluntary reduction in power by the power company.
- c.** The owner or operator of a source shall obtain a permit, if such source operates gas turbines fired with natural gas or liquified petroleum gas with a heat input at ISO Standard Day Conditions of more than 3,000,000 BTU (755,400 kilocalories) per hour. ISO Standard Day Conditions means 288° Kelvin (518.4° Rankine), 60% relative humidity, and 101.3 kilopascals (760 mmHg ) pressure.
- d.** The owner or operator of a source shall obtain a permit, if such source operates gas turbines fired with a fuel other than natural gas or liquified petroleum gas, regardless of size.
- e.** The owner or operator of a portable source shall obtain a permit, if such portable source is used on a temporary basis for more than 90 days per calendar year at any one facility or emits more

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than 5 tons of a regulated air pollutant, over 90 days per calendar year at any one facility.

**301.7 Liquid Storage Tanks:** The owner or operator of a source shall obtain a permit, if such source operates stationary storage tanks with a capacity of more than 250 gallons (946 liters) used for storing organic liquids with a true vapor pressure of 1.5 psia (77.5 mm Hg) or more.

### **301.8 Surface Coating And Printing Equipment:**

- a.** The owner or operator of a source shall obtain a permit, for the aggregate of all surface coating operations of a source in which the coated product is heat cured or if such source uses a combined total of one gallon per day or more of all coating materials and solvents.
- b.** The owner or operator of a source shall obtain a permit, if such source operates any coating operation which employs only hand-held aerosol cans, where volatile organic compound (VOC) emissions exceed three pounds on any single day.
- c.** The owner or operator of a source shall obtain a permit, if such source operates any combination of printing equipment that has a combined impression area of 500 square inches (3226 cm<sup>2</sup>) or more.
- d.** The owner or operator of a source shall obtain a permit, if such source operates any printing press with two or more printing surfaces.

**301.9 Solvent Cleaning Equipment:** The owner or operator of a source shall obtain a permit, if such source emits VOCs from operating any solvent cleaning equipment that:

- a.** Is heated above 120°F (49°C); or
- b.** Is conveyORIZED; or
- c.** Includes control enclosures (i.e., an emission control system consisting of a hood or enclosure to collect emissions, which are vented to a process device, as described in Rule 331 (Solvent Cleaning) of these rules); or
- d.** Has an open surface area of more than 10.8 square feet (one square meter), has an internal volume of more than 92.5 gallons (350 liters), and has a cleaning solvent with a VOC loss of more than three gallons per day; or
- e.** Uses organic solvents with an initial boiling point of less than 302°F (150°C) and has a cleaning solvent with a VOC loss of more than three gallons per day.

**301.10 Equipment In Eating Establishments:** The owner or operator of a source shall obtain a permit, if such source operates ovens, used in

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bakeries, whose total production is more than 10,000 pounds (4,535 kg) per operating day.

**301.11 Soil Remediation Projects:** The owner or operator of a source shall obtain a permit, if such source operates diesel contaminated soil remediation projects, where heat is applied.

**301.12 Abrasive Blasting Equipment:** The owner or operator of a source shall obtain a permit and shall comply with the requirements of Rule 312 (Abrasive Blasting) of these rules, if such source operates abrasive blasting equipment. See Subsection 302.17 of this rule for an exemption to this requirement.

**301.13 Corrosive Liquid Usage:** The owner or operator of a source shall obtain a permit, if such source uses any corrosive liquid (this usage does not include water), in solution or otherwise, of more than 50 gallons (189 liters) per year. For the purposes of this section, a corrosive liquid (i.e., a strong acid or a strong base) is defined as a liquid with a pH less than 2.0 and/or with a pH greater than 12.5, and which emits a regulated air pollutant.

**301.14 Wood Working Equipment:** The owner or operator of a source shall obtain a permit, if such source operates stationary wood working equipment, which aggregate totals 50 horsepower or more.

**302 TITLE V PERMIT STANDARDS FOR PERMIT EXEMPTIONS:** A Title V permit or, in the case of an existing permitted source, a permit revision shall be required for a person to commence construction of, to operate, or to modify any of the following: Pursuant to this section, the owner or operator of a source is not required to obtain a permit for the activities described in Subsection 302.1 thru Subsection 302.19 of this rule. However, if operation of such source without a permit, would result in a violation of the Act, then the owner or operator of such source shall obtain the appropriate permit. The owner or operator of any source, that is exempt from obtaining a permit according to this section, shall still comply with all other applicable requirements of these rules, of any Arizona laws, and of any Federal laws.

**302.1** ~~Any major source as defined in Rule 100 of these rules.~~ **Residential Wood Heaters:** The owner or operator of a source is not required to obtain a permit, if such source is subject to 40 CFR 60, Subpart AAA (Standards of Performance for New Residential Wood Heaters). However, the owner or operator of a residential fireplace or woodstove must comply with Maricopa County Air Pollution Control Regulations Residential Woodburning Restriction Ordinance and Rule 318 (Approval Of Residential Woodburning Devices).



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- 302.2** ~~Any solid waste incineration unit required to obtain a permit pursuant to Section 129(e) of the Act.~~ **Federal Hazardous Air Pollutant Program:** The owner or operator of a source is not required to obtain a permit, if such source would be required to obtain a permit solely because such source is subject to 40 CFR 61.145 (Standards For Demolition And Renovation Of Asbestos-Containing Structures).
- 302.3** ~~Any affected source as defined in Rule 100 of these rules.~~ **Agricultural Equipment:** The owner or operator of a source is not required to obtain a permit, if such source operates agricultural equipment used in normal farm operations. However, if such equipment would require a permit under Title V of the Act (Permits) or would be subject to a standard under 40 CFR parts 60 (New Source Performance Standards) or 61 (Federal Hazardous Air Pollutant Program), then the owner or operator of such source must obtain the appropriate permit.
- 302.4** ~~Any source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the Board of Supervisors by rule.~~ **Earthmoving Operations:** The owner or operator of a source is not required to obtain a permit, if such source meets the exemption criteria described in Rule 202 (Permit Requirements For Earthmoving Operations) of these rules.
- 302.5** **Hazardous Air Pollutants - Prevention Of Accidental Releases:** The owner or operator of a source is not required to obtain a permit, if such source would be required to obtain a permit solely because they are subject to Section 112(r) of the Act (Hazardous Air Pollutants, Prevention Of Accidental Releases).
- 302.6** **Pressurized Tanks And Vessels:** The owner or operator of a source is not required to obtain a permit, if such source operates pressure tanks and pressurized vessels used exclusively for the storage of butane, pentane, propane, and/or liquid natural gas.
- 302.7** **Architectural Surface Coating:** The owner or operator of a source is not required to obtain a permit, if such source operates equipment used only for the application of architectural surface coatings.
- 302.8** **Stand-By Generators:** The owner or operator of a source is not required to obtain a permit, if such source operates each of its internal combustion engines at or below 500 hours per year as evidenced by an installed hour meter or as evidenced by written usage records maintained by the operator, operates each of its internal combustion engines such that the total emissions from all such engines do not exceed 4,000 pounds of nitrogen oxides or carbon monoxide per year, and operates each of its internal combustion engines for power, when normal power line service fails.

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### **302.9 Generators And Other Internal Combustion Equipment, Other Than**

**Stand-By Generators:** The owner or operator of a source is not required to obtain a permit, if such source operates each of its internal combustion engines for the emergency pumping of water.

### **302.10 Motorized Vehicles:** The owner or operator of a source is not required to obtain a permit, if such source operates engines to propel motorized vehicles.

### **302.11 Equipment In Eating Establishments:** The owner or operator of a source is not required to obtain a permit, if such source operates equipment, excluding boilers, in eating establishments or other retail establishments for the purpose of preparing food for human consumption.

### **302.12 Bakeries:** The owner or operator of a source is not required to obtain a permit, if such source operates mixers and blenders, in bakeries, where the products are edible and intended for human consumption.

### **302.13 Brazing Or Welding Equipment:** The owner or operator of a source is not required to obtain a permit, if such source operates brazing or welding equipment.

### **302.14 Hand Soldering Equipment:** The owner or operator of a source is not required to obtain a permit, if such source operates hand soldering equipment.

### **302.15 Machining:** The owner or operator of a source is not required to obtain a permit, if such source operates equipment used for buffing, carving, cutting, drilling, surface grinding, machining, planing, routing, sanding, sawing, shredding, or turning of ceramic artwork, precision parts, leather, metals, plastics, rubber, fiberboard, masonry, carbon, graphite or glass.

### **302.16 Refrigerant Recovery Equipment:** The owner or operator of a source is not required to obtain a permit, if such source operates refrigerant recovery equipment.

### **302.17 Equipment For Maintaining Established Vegetation, For Building Maintenance, Or For Janitorial Activities:** The owner or operator of a source is not required to obtain a permit, if such source operates equipment for maintaining established vegetation, for building maintenance, or for janitorial activities.

### **302.18 Self-Contained, Enclosed Blast And Shot Peen Equipment:** The owner or operator of a source is not required to obtain a permit, if such source operates self-contained, enclosed blast and shot peen

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equipment, where the total internal volume of the blast section is 50 cubic feet or less and where control measure(s) have been implemented, as required by Rule 312 (Abrasive Blasting) of these rules.

**302.19 Quality Assurance/Quality Control Laboratories:** The owner or operator of a source is not required to obtain a permit for a quality assurance/quality control laboratory, that is operated on-site. Such laboratory must still meet all other applicable requirements of Rule 336 (Surface Coating Operations) of these rules.

**303** ~~NON-TITLE V PERMIT Unless a Title V permit or a permit revision is required, a Non-Title V permit or permit revision shall be required for:~~ **STANDARDS FOR PERMITS REQUIRED FOR ACTIVITIES NOT DESCRIBED IN SECTION 301 NOR IN SECTION 302 OF THIS RULE:** If the owner or operator of a source conducts activities that are NOT described in Section 301 of this rule nor in Section 302 of this rule, but the owner or operator of such source conducts activities such that the aggregate of all miscellaneous equipment, processes, or production lines has total uncontrolled emissions of more than three pounds (1.4 kg) VOCs or fine particulate matter (PM-10) or more than 5.5 pounds (2.5 kg) of any other regulated air pollutant during any consecutive 24-hour period, then the owner or operator of such source shall obtain a permit from the Control Officer before commencing construction of, operating, or making a modification to such source.

- ~~303.1 A person to make a modification to a source which would cause it to emit or to have the potential to emit quantities of regulated air pollutants greater than those specified in Sections 303.2 and 303.3c of this rule.~~
- ~~303.2 A person to commence construction of or to modify either of the following after rules adopted pursuant to ARS 49-480.04 are effective~~
- ~~a. A source that emits or has the potential to emit with controls ten tons per year or more of a hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants designated by the Director pursuant to ARS 49-426.04.A.1 and not listed in Section 112(b) of the Act.~~
  - ~~b. A source that is within a category designated by the Director pursuant to ARS 49-426.05 and that emits or has the potential to emit with controls at least one ton, but less than ten tons per year of a hazardous air pollutant or at least 2.5 tons, but less than 25 tons per year of any combination of hazardous air pollutants.~~
- ~~303.3 A person to commence construction of, to operate, or to modify any of the following:~~
- ~~a. Any source other than a major source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act~~
  - ~~b. Any source other than a major source, including an area source, subject to a standard or other requirement pursuant to Section 112 of the Act. However, a source is not required to obtain a~~

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~~permit solely because it is subject to regulation or requirements pursuant to Section 112(r) of the Act~~

- ~~c. Any source that emits or has the potential to emit, without control, regulated air pollutants, except the following sources to the extent which the described limits are not exceeded. However, any source that is exempt from obtaining a Non-Title V permit according to this section shall still comply with all other applicable requirements of these rules.~~

~~(1) General Combustion Equipment:~~

- ~~(a) Any source with an aggregated input capacity of less than 2,000,000 BTU per hour calculated by adding only those pieces of equipment over 300,000 BTU per hour with respect to fuel burning equipment fired with natural gas or liquified petroleum gas.~~
- ~~(b) Any oil fueled heating equipment with a maximum rated input capacity or an aggregated input capacity of less than 500,000 BTU (527,200 kilojoules) per hour.~~

~~(2) Liquid Storage Tanks:~~

- ~~(a) Stationary storage tanks with a capacity of 250 gallons (946 liters) or less used for storing organic liquids.~~
- ~~(b) Stationary storage tanks used for storing organic liquids with a true vapor pressure of 1.5 psia (77.5 mm Hg) or less.~~
- ~~(c) Pressure tanks and pressurized vessels used exclusively for the storage of liquified gases.~~

~~(3) Surface Coating and Printing Equipment:~~

- ~~(a) The aggregate of all surface coating operations of a source in which no coated product is heat cured and a combined total of one gallon per day or less of all coating materials and solvents are used.~~
- ~~(b) Application equipment for architectural surface coatings are used for commercial and residential applications.~~
- ~~(c) Any coating operation which employs only hand-held aerosol cans, where VOC emissions do not exceed three pounds on any single day.~~
- ~~(d) Any printing operation which employs a combination of printing presses with a maximum of 500 square inches (3226 cm<sup>2</sup>) of impression area and a maximum of two units per printing press. For the purposes of this rule, "units" means the number of printing surfaces.~~

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- (4) ~~Solvent Cleaning Equipment: Unheated, non-conveyorized, cleaning or coating equipment that does not include control enclosures:~~
  - (a) ~~With an open surface area of one square meter (10.8 square feet) or less and an internal volume of 350 liters (92.5 gallons) or less, having an organic solvent loss of three gallons per day or less, or~~
  - (b) ~~Using only organic solvents with an initial boiling point of 302°F (150°C) or greater and having an organic solvent loss of three gallons per day or less, or~~
  - (c) ~~Using materials with a VOC content of two percent or less by volume (20 cubic centimeters per liter).~~
- (5) ~~Internal Combustion Equipment:~~
  - (a) ~~Internal combustion engines with a manufacturer's maximum continuous rating of 50 horsepower or less or a maximum accumulative rating of 250 horsepower or less for engines used in the same process at one source.~~
  - (b) ~~Internal combustion engines used solely as a source of unlimited standby power or emergency purposes and operated at or below 500 hours per year for routine testing and emergency standby operation for each internal combustion engine and provided such source demonstrates that the potential emissions at 500 hours of operation each of all internal combustion engines do not exceed 4,000 pounds of nitrogen oxides or carbon monoxide per year as evidenced by an installed hour meter or written usage records maintained by the operator; and~~
    - (i) ~~Are only used for power when normal power line service fails; or~~
    - (ii) ~~Are only used for the emergency pumping of water.~~
    - (iii) ~~This exemption does not apply to internal combustion engines used as standby power due to a voluntary reduction in power by the power company.~~
  - (c) ~~Engines used to propel motorized vehicles.~~
  - (d) ~~Gas turbines with a maximum heat input at ISO Standard Day Conditions of less than 3,000,000 BTU (3,162,000 kilojoules) per hour fired~~

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~~exclusively with natural gas and/or liquified petroleum gas.~~

- (e) ~~Portable internal combustion engines used on a temporary basis of no more than 30 days per calendar year at any one facility.~~

~~(6) Food Equipment:~~

- (a) ~~Equipment, excluding boilers, used in eating establishments or other retail establishments for the purpose of preparing food for human consumption.~~
- (b) ~~Bakeries:~~
  - (i) ~~Mixers and blenders used in bakeries where the products are edible and intended for human consumption.~~
  - (ii) ~~Ovens at bakeries whose total production is less than 10,000 pounds (4,535 kg) per operating day.~~

~~(7) Miscellaneous:~~

- (a) Diesel contaminated soil remediation projects, where no heat is applied.
- (b) Self-contained, enclosed blast and shot peen equipment where the total internal volume of the blast section is 50 cubic feet or less and where any venting is done via pollution control equipment.
- (c) These laboratory acids which have both a pH above 1.5 and an aggregate daily emission to ambient air of vapor/mists from all such acids not exceeding three pounds on any single day.
- (d) Brazing or welding equipment.
- (e) Hand soldering equipment.
- (f) A source whose aggregate of all wood working equipment totals 50 horsepower or less.
- (g) Equipment used for buffing, carving, cutting, drilling, surface grinding, machining, planing, routing, sanding, sawing, shredding, or turning of ceramic artwork, precision parts, leather, metals, plastics, rubber, fiberboard, masonry, carbon, graphite or glass.
- (h) Refrigerant recovery equipment.
- (i) Normal landscaping, building maintenance or janitorial activities.
- (j) A source whose aggregate of all miscellaneous equipment, processes or production lines not otherwise identified in this section has total uncontrolled emissions of less than three pounds (1.4 kg) VOC or PM<sub>10</sub> during any day

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~~and less than 5.5 pounds (2.5 kg) of any other regulated air pollutant during any day.~~

- 304 ~~GENERAL PERMIT: A general permit shall be required for a person to commence construction of, to operate, or to modify a source that is a member of a facility class for which a general permit has been developed pursuant to Rule 230 of these rules. The provisions of Rule 230 of these rules shall apply to general permits, except as otherwise provided in Rule 230 of these rules.~~
- 305- **304** ~~EARTH MOVING PERMIT: No person shall cause, commence, suffer, allow, or engage in any earth moving operation that disturbs a total surface area of 0.10 acre or more without first obtaining a permit from the Control Officer. This requirement for a permit shall apply to all such activities conducted for commercial, industrial, or institutional purposes or conducted by any governmental entity. The property owner, lessee, developer, or general/prime contractor will be responsible for acquiring the permit. Permits shall not be required for earth moving operations for emergency repair of utilities, paved roads, unpaved roads, shoulders, and/or alleys.~~ **OPERATION AND MAINTENANCE (O&M) PLANS:** A facility operator, of any emission control system that is required by these rules, shall prepare, with any permit application, and shall comply with, an Operation And Maintenance (O&M) Plan written according to Subsection 305.1 of this rule. If the Control Officer approves the permit, then the O&M Plan is also considered to be approved. However, if the Control Officer issues a written disapproval of the O&M Plan, then a facility operator shall submit to the Control Officer a corrected O&M Plan and the Control Officer will not approve the permit, until the facility operator has adequately addressed the disapproval of the O&M Plan.
- 305.1 **304.1** ~~Application: The applicant shall file an application, which includes an 8½" x 14" site map showing all linear dimensions, and shall submit a control plan as described in Rule 310 of these rules.~~ **Information Required In An O&M Plan:** An O&M Plan shall specify:
- a.** Key system operating parameters, as described in each source-specific O&M Plan, necessary to determine compliance with these rules.
  - b.** Detailed procedures and their frequencies needed to maintain the emission control system.
  - c.** Records and recordkeeping, as required by these rules.
- 305.2 **304.2** ~~Annual Block Permit: Any person responsible for more than one earth moving operation consisting of routine operation, maintenance, and expansion or extension of utilities, paved roads, unpaved roads, road shoulders and/or alleys, and public right of ways at non-contiguous sites may submit one permit application covering multiple sites at which construction will commence within 12 months of permit issuance provided that:~~ **Changes To An O&M Plan:** Any change in an O&M Plan must be approved by the Control Officer. The facility operator shall

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submit either by hand-delivery or by certified mail to the Control Officer a corrected O&M Plan. Depending upon the type and/or nature of the change(s) proposed, the Control Officer may require a demonstration (i.e., mass balance and/or stack test data) of the effectiveness of the control device. If the Control Officer does not submit a written denial to the facility operator regarding the corrected O&M Plan within 30 days of the Control Officer's receiving the corrected O&M Plan, the corrected O&M Plan is deemed to be approved.

- a. ~~The control plan as described in Rule 310 of these rules applies to all sites; and~~
- b. ~~The applicant submits a list of all sites, including the location and size of each site, with the application; and~~
- c. ~~For any project not listed in the application, the applicant notifies the Control Officer in writing at least three working days prior to commencing the earth moving operation. The notice shall include the site location, size, type of activity, and start date.~~

~~305.3 Action on Permit Application: The Control Officer shall take final action on an earth moving permit application within 14 calendar days of the filing of the completed application. The Control Officer shall notify the applicant in writing of his approval or denial.~~

~~305.4 Permit Term: Earth Moving permits issued pursuant to this rule shall be issued for a period of one year from the date of issuance.~~

~~305.5 Permit Renewal: Earth Moving permits shall be renewed annually should the project last longer than one year from the date the permit was issued. Applications for permit renewal shall be submitted to the Control Officer at least 14 calendar days prior to the expiration date of the original permit.~~

~~306 PERMIT TO BURN: A permit is required for any open outdoor fire authorized under the exceptions in ARS 49-501 or Rule 314 of these rules.~~

~~307 EXEMPTIONS: Notwithstanding Sections 301, 302, and 303 of this rule, the following sources shall not require a permit, unless the source is a major source, or unless operation without a permit would result in a violation of the Act:~~

~~307.1 Sources subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.~~

~~307.2 Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR 61.145.~~

~~307.3 Agricultural equipment used in normal farm operations. Agricultural equipment used in normal farm operations, for the purposes of this rule, does not include equipment that would be classified as a source that would require a permit under Title V of the Act, or would be subject to a standard under 40 CFR parts 60 or 61.~~

~~308 STANDARDS FOR APPLICATIONS: All permit applications shall be filed in the manner and form prescribed by the Control Officer. The application shall contain all the information necessary to enable the Control Officer to make the determination to grant or to deny a permit or permit revision which shall contain such terms and conditions as the Control Officer deems necessary to assure a source's compliance with the requirements of these rules. The issuance of any~~



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~~permit or permit revision shall not relieve the owner or operator from compliance with any Federal laws, Arizona laws, or these rules, nor does any other law, regulation or permit relieve the owner or operator from obtaining a permit or permit revision required under these rules.~~

309 ~~PERMIT CONDITIONS: The Control Officer may impose any permit conditions that are necessary to ensure compliance with Federal laws, Arizona laws, or these rules.~~

309.1 ~~The Control Officer may require, as specified in Section 309.2 and Section 309.3 of this rule, any source of regulated air pollutants to monitor, sample, or perform other studies to quantify emissions of regulated air pollutants or levels of air pollution that may reasonably be attributable to that source, if the Control Officer:~~

- ~~a. Determines that monitoring, sampling, or other studies are necessary to determine the effects of the source on levels of air pollution; or~~
- ~~b. Has reasonable cause to believe a violation of this rule, rules adopted pursuant to this rule, or a permit issued pursuant to this rule has been committed; or~~
- ~~c. Determines that those studies or data are necessary to accomplish the purposes of this rule and that the monitoring, sampling, or other studies by the source are necessary in order to assess the impact of the source on the emission of regulated air contaminants.~~

309.2 ~~The Control Officer may require a source of air contaminants, by permit or order, to perform monitoring, sampling, or other quantification of its emissions or air pollution that may reasonably be attributed to such a source. Before requiring such monitoring, sampling, or other quantification by permit or order, the Control Officer shall consider the relative cost and accuracy of any alternatives which may be reasonable under the circumstances such as emission factors, modeling, mass balance analyses, or emissions projections. The Control Officer may require such monitoring, sampling, or other quantification by permit or order if the Control Officer determines in writing that all of the following conditions are met:~~

- ~~a. The actual or potential emissions of air pollution may adversely affect public health or the environment.~~
- ~~b. An adequate scientific basis for the monitoring, sampling, or quantification method exists.~~
- ~~c. The monitoring, sampling, or quantification method is technically feasible for the subject contaminant and the source.~~
- ~~d. The monitoring, sampling, or quantification method is reasonably accurate.~~
- ~~e. The cost of the method is reasonable in light of the use to be made of the data.~~

309.3 ~~Orders issued or permit conditions imposed pursuant to this rule shall be appealable to the hearing board in the same manner as that prescribed for orders of abatement in ARS 49-489 and ARS 49-490 and for permit conditions in ARS 49-482.~~

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310 ~~PROHIBITION—PERMIT MODIFICATION: A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under the provisions of these rules.~~

311 ~~PERMIT POSTING REQUIRED: Any person who has been granted a permit shall keep a complete permit clearly visible and accessible on the site where the equipment is installed. All equipment covered by the permit shall be listed in the permit by a serial number or other equipment identification symbol and shall be identified on a plant diagram.~~

312 ~~TRANSITION FROM INSTALLATION AND OPERATING PERMIT PROGRAM TO UNITARY PERMIT PROGRAM:~~

312.1 ~~Sources With a Valid Installation, Operating, or Conditional Permit: A valid installation permit or operating permit issued by the Control Officer or a valid conditional permit issued by the hearing board before September 1, 1993, and the authority to operate as provided in Laws 1992, Chapter 299, Section 65, continue in effect until any of the following occurs:~~

- a. ~~The Control Officer revokes an installation permit.~~
- b. ~~The Control Officer issues or denies a Title V permit or a Non-Title V permit to the source.~~
- c. ~~The hearing board revokes or modifies a conditional permit or the conditional permit expires. A source operating under a valid conditional permit may continue to operate in accordance with the terms and conditions of such permit after the expiration of the conditional permit if, at least 30 days prior to the expiration of the conditional permit, the source submits an application to the Control Officer for a Title V permit as described in Section 312.2 of this rule or for a Non-Title V permit as described in Section 312.3 of this rule.~~

312.2 ~~Title V Sources With an Installation, Operating, or Conditional Permit: Sources requiring a Title V permit in existence on the date these rules become effective which hold a valid installation, operating, or conditional permit shall comply with the following provisions:~~

- a. ~~The owner or operator of the source shall submit a permit application within 180 days of receipt of written notice from the Control Officer that an application is required or 12 months after the source becomes subject to the requirements of Title V of the Act and the permit requirements of these rules, whichever is earlier.~~
- b. ~~Any source, which has not yet submitted a Title V permit application, that wishes to make any source change not requiring a permit, an administrative permit revision, a minor permit revision, or a significant permit revision shall comply with the applicable provisions of Rule 210 of these rules.~~

312.3 ~~Non-Title V Sources With an Installation, Operating, or Conditional Permit: Sources requiring a Non-Title V permit in existence on the date these rules become effective which hold a valid installation, operating, or conditional permit shall comply with the following provisions:~~

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- a. ~~All sources shall submit a permit application to the Control Officer within 90 days of receipt of written notice from the Control Officer that an application is required.~~
  - b. ~~Any source that wishes to make any source change not requiring a permit, an administrative permit revision, a minor permit revision, or a non-minor permit revision shall comply with the applicable provisions of Rule 220 of these rules.~~
- 312.4 ~~Written Notice: For purposes of this subsection, written notice shall include, but not be limited to, a written warning, notice of violation, or order issued by the Control Officer for constructing or operating an emission source without a permit. Such a source shall be considered to be in violation of these rules on each day of operation or each day during which construction continues, until a permit is granted.~~
- 312.5 ~~Sources Not Under Permit:~~
- a. ~~All sources not in existence prior to the effective date of these rules shall first submit to the Control Officer an air quality permit application for the entire source before commencing construction of such source.~~
  - b. ~~All sources in existence on the date these rules become effective not holding a valid installation permit and/or a valid operating permit issued by the Control Officer which have not applied for a Non-Title V permit pursuant to these rules shall submit to the Control Officer a permit application for the entire source.~~
- 312.6 ~~Sources Which Currently Have an Installation or Operating Permit:~~
- a. ~~For sources in existence on the date these rules become effective holding a valid installation permit and/or a valid operating permit issued by the Control Officer, the Control Officer may establish a phased schedule for acting on permit applications received within the first full year after the source becomes subject to obtaining a Title V or a Non-Title V permit under these rules. The schedule shall assure that at least one-third of such applications will be acted on annually over a period not to exceed three years after such effective date. Based on this schedule, the Control Officer shall review a completed application in accordance with the provisions of these rules and shall issue or deny the applicable permit within 18 months after the receipt of the completed application.~~
  - b. ~~Any application for an installation permit or an operating permit that is determined to be complete prior to the effective date of these rules but for which no permit has been issued shall be considered complete for the purposes of this section. In issuing a permit pursuant to such an application, the Control Officer shall include in the permit all elements addressed in the application and a schedule of compliance for submitting an application for a permit revision to address the elements required to be in the permit that were not included in the operating permit application or in the installation permit~~

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~~application. No later than six months after the effective date of these rules, the Control Officer shall take final action on an operating permit application or on an installation permit application determined to be complete prior to the effective date of these rules.~~

### **313 ACCELERATED PERMITTING:**

~~313.1 Notwithstanding any other provisions of these rules, the following qualify a source for a request submittal for accelerated processing: an application for a Title V permit or for a Non-Title V permit; any permit revision; and any coverage under a general permit. Such a request submittal shall be submitted in writing to the Control Officer at least 30 days in advance of filing the application and shall be accompanied by fees as described in Rule 280 of these rules.~~

~~313.2 When an applicant has requested accelerated permit processing, the Control Officer may, to the extent practicable, undertake to process the permit or permit revision in accordance with the following schedule:~~

- ~~a. For applications for initial Title V and Non-Title V permits under Rules 210 and 220 of these rules, for significant permit revisions under Rule 210 of these rules, or for non-minor permit revisions under Rule 220 of these rules, final action on the permit or on the permit revision shall be taken within 90 days or after the Control Officer determines that the application is complete for a Non-Title V source and within 120 days after the Control Officer determines that the application is complete for a Title V source. Except for a new major source or a major modification subject to the requirements of Rule 240 of these rules, an application for a new permit, a significant permit revision, or a permit renewal shall be deemed to be complete unless the Control Officer notifies the applicant by certified mail within 30 days of receipt of the application that the application is not complete.~~
- ~~b. For applications for coverage under a general permit under Rule 230 of these rules, final action shall be taken within 30 days after receipt of the application.~~
- ~~c. For minor permit revisions governed by Rule 210 of these rules and Rule 220 of these rules, the permit revision shall be issued within 60 days after receipt of the application.~~

~~313.3 Before issuing a permit or permit revision pursuant to this section, the applicant shall pay to the Control Officer all fees due as described in Rule 280 of these rules. Nothing in this section shall affect the public participation requirements of Rules 210 or 220 of these rules, or EPA and affected state review as required under Rule 240 of these rules.~~

## **SECTION 400 - ADMINISTRATIVE REQUIREMENTS**

### **401 APPROVAL OR DENIAL OF PERMIT OR PERMIT REVISION: TYPES OF PERMITS:**

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**401.1** ~~The Control Officer shall deny a permit or revision if the applicant does not demonstrate that every such source for which a permit or permit revision is sought is so designed, controlled, or equipped with such air pollution control equipment that the source may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of these rules.~~ **Earthmoving Permit:**

- a.** An Earthmoving Permit is issued for any earthmoving operation that disturbs a total surface area of 0.10 acre or more.
- b.** See Rule 202 (Permit Requirements For Earthmoving Operations) of these rules for procedures for receiving an Earthmoving Permit.

**401.2** ~~Prior to acting on an application for a permit, the Control Officer may require the applicant to provide and to maintain such devices and procedures as are necessary for sampling and for testing purposes in order to secure information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from the source described in the application. In the event of such a requirement, the Control Officer shall notify the applicant in writing of the type and characteristics of such devices and procedures.~~ **Burn Permit:**

- a.** A Burn Permit is issued to limit the emissions of regulated air pollutants produced from combustion of any type of material outdoors, where the products of combustion are not directed through a chimney.
- b.** See Rule 203 (Permit Requirements For Open Outdoor Burning Activities) of these rules for procedures for receiving a Burn Permit.

**401.3** ~~In acting upon an application for a permit renewal, if the Control Officer finds that such source has not been constructed in accordance with any prior permit or revision issued pursuant to ARS 49-480.01, the Control Officer shall require the permittee to obtain a permit revision or shall deny the permit renewal. The Control Officer shall not accept any further application for a permit for such source so constructed until the Control Officer finds that such source has been reconstructed in accordance with a prior permit or a revision, or until a revision to the permit has been obtained. The Control Officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.~~ **General Permit:**

- a.** A General Permit is issued for a facility class that contains a large number of sources that are similar in nature, have substantially similar emissions, and would be subject to the

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same or substantially similar requirements governing operations, emissions, monitoring, reporting, or recordkeeping.

- b.** See Rule 230 (General Permits) of these rules for procedures for receiving a General Permit.

**401.4** ~~After a decision on a permit or on a permit revision, the Control Officer shall notify the applicant and any person who filed a comment on the permit pursuant to ARS 49-480 or on the permit revision pursuant to ARS 49-480.01 in writing of the decision, and if the permit is denied, the reasons for such denial. Service of this notification may be made in person or by first class mail. The Control Officer shall not accept a further application unless the applicant has corrected the circumstances giving rise to the objections as specified by the Control Officer as reasons for such denial.~~ **Non-Title V Permit:**

- a.** A Non-Title V Permit is issued for a person to commence constuction of, to operate, or to modify any source that does not require a Title V permit or any source that does not request an authority to operate under a General Permit.
- b.** See Rule 220 (Non-Title V Permit Provisions) of these rules for procedures for receiving a Non-Title V Permit.

### **401.5 Title V Permit:**

- a.** A Title V Permit is issued for a person to commence constuction of, to operate, or to modify any of the following:
- (1)** Any source that is a major source as defined in Rule 100 of these rules.
- (2)** Any solid waste incineration unit required to obtain a permit pursuant to Section 129(e) of the Act (Solid Waste Combustion, Permits).
- (3)** Any affected source defined in Rule 100 of these rules.
- (4)** Any source in a source category designated by the Administrator pursuant to 40 CFR 70.3 (Standards Of Performance For Operating Permit Program; Applicability) and adopted by the Board Of Supervisors by rule.
- b.** See Rule 210 (Title V Permit Provisions) of these rules for procedures for receiving a Title V Permit.

**402** ~~PERMIT REOPENINGS; REVOCATION AND REISSUANCE; TERMINATION:~~ **PERMIT APPLICATIONS:** All permit applications shall be filed in the manner and form prescribed by the Control Officer. The specific details of permit applications are described in the individual rule, for each type of permit described in Section 401 of this rule (i.e., in Rule 202 for Earthmoving Permits, in Rule 203 for Burn Permits, in Rule 230 for General Permits, in Rule 220 for Non-Title V Permits, and in Rule 210 for Title V Permits).

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### **402.1 Reopening for Cause:**

- a. ~~Each issued permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:~~
  - (1) ~~Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to Section 403.2 of this rule. Any permit revision required pursuant to this rule shall comply with Section 403 of this rule for a permit renewal and shall reset the five year permit term.~~
  - (2) ~~Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Title V permit.~~
  - (3) ~~The Control Officer or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.~~
  - (4) ~~The Control Officer or the Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements.~~
- b. ~~Proceedings to reopen and issue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall, except for reopenings under Section 402.1a(1) of this rule, affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as is practicable~~
- c. ~~Action to reopen a permit under this section shall not be initiated before a notice of such intent is provided to the source by the Control Officer at least 30 days in advance of the date that the permit is to be reopened, except that the Control Officer may provide a shorter time period in the case of an emergency.~~
- d. ~~When a permit is reopened and revised pursuant to this rule, the Control Officer may make appropriate revisions to the permit shield established pursuant to Rule 210 of these rules.~~

### **402.2 Reopening for Cause by the Administrator:**

- a. ~~If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit pursuant to Section 402.1 of this~~

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~~rule, the Administrator may notify the Control Officer and the permittee of such finding in writing. Within ten days of receipt of notice from the Administrator that cause exists to reopen a Title V permit, the Control Officer shall notify the source.~~

- ~~b. Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, the Control Officer shall forward to the Administrator a proposed determination of termination, modification, or revocation and reissuance of the permit. The Control Officer may request a 90 day extension of this limit if it is necessary to request a new or revised permit application or additional information from the applicant for, or holder of, a Title V permit.~~
- ~~c. The Control Officer shall have 90 days from receipt of an objection by the Administrator to attempt to resolve the objection.~~

### **403** ~~PERMIT RENEWAL AND EXPIRATION:~~ **PERMIT CONDITIONS:** The Control Officer may impose any permit conditions that are necessary to ensure compliance with Federal laws, Arizona laws, or these rules.

~~403.1 Prior to renewing a permit issued under these rules, the Control Officer shall provide notice in the same manner and form as provided in Rule 210 of these rules. The Control Officer may require, as specified in Section 403.2 and Section 403.3 of this rule, any source of regulated air pollutants to monitor, sample, test, or perform other studies to quantify emissions of regulated air pollutants or levels of regulated air pollutants that may reasonably be attributable to that source, if the Control Officer:~~

- ~~**a.** Determines that monitoring, sampling, testing, or other studies are necessary to determine the effects of the source on levels of regulated air pollutants; or~~
- ~~**b.** Has reasonable cause to believe a violation of this rule, rules adopted pursuant to this rule, or a permit issued pursuant to this rule has been committed; or~~
- ~~**c.** Determines that those studies or data are necessary to accomplish the purposes of this rule and that the monitoring, sampling, testing, or other studies by the source are necessary in order to assess the impact of the source on the emission of regulated air pollutants.~~

~~403.2 The Control Officer shall not renew a permit issued under these rules unless the permittee applies for a permit renewal prior to the expiration of a permit in the manner required by Rule 210 of these rules. If a timely and complete application for a permit renewal is submitted, but the Control Officer has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied. Any testing that is required for a renewal shall be completed before the proposed~~



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~~permit renewal is issued by the Control Officer.~~ The Control Officer may require a source of regulated air pollutants, by permit or order, to perform monitoring, sampling, testing, or other quantification of its emissions of regulated air pollutants that may reasonably be attributed to such a source. Before requiring such monitoring, sampling, testing, or other quantification by permit or order, the Control Officer shall consider the relative cost and accuracy of any alternatives which may be reasonable under the circumstances such as emission factors, modeling, mass balance analyses, or emissions projections. The Control Officer may require such monitoring, sampling, testing, or other quantification by permit or order, if the Control Officer determines in writing that all of the following conditions are met:

- a. The actual or potential emissions of regulated air pollutants may adversely affect public health or the environment.
- b. An adequate scientific basis for the monitoring, sampling, testing, or quantification method exists.
- c. The monitoring, sampling, testing, or quantification method is technically feasible for the subject regulated air pollutants and the source.
- d. The monitoring, sampling, testing, or quantification method is reasonably accurate.
- e. The cost of the method is reasonable in light of the use to be made of the data.

403.3 ~~The Control Officer shall publish notice of a permit renewal decision in the same manner as that provided in Rule 210 of these rules for a Title V permit and as that provided in Rule 220 of these rules for a Non Title V permit.~~ Orders issued or permit conditions imposed pursuant to this rule shall be appealable to the hearing board in the same manner as that prescribed for Orders Of Abatement in ARS §49-511 and ARS §49-490 and for permit conditions in ARS §49-482.

## **404 PERMIT TRANSFERS: PERMIT PROTECTION:**

**404.1** ~~Except as provided in ARS 49-429 and Section 404.2 of this rule, a Title V permit or a Non Title V permit may be transferred to another person if the person who holds the permit gives notice to the Control Officer in writing at least 30 days before the proposed transfer and complies with administrative permit amendment procedures pursuant to Rule 210 and/or Rule 220 of these rules. Permit transfer notice shall contain the following:~~ **For A Source With A Non-Title V Permit Or A Title V Permit:**

- ~~a. The permit number and expiration date.~~ If a source that has a permit submits a timely and complete application for a new permit, but the Control Officer has failed to issue or deny the

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new permit before the existing permit expires, then the existing permit shall not expire until the new permit has been issued or denied.

- b. ~~The name, address and telephone number of the current permit holder.~~ A timely application is a permit application that has been submitted at least six months, but not more than 18 months, before the existing permit expires.
- c. ~~The name, address and telephone number of the person to receive the permit.~~ A complete application for a Non-Title V permit is described in Rule 220, Subsection 301.3 of these rules and a complete application for a Title V permit is described in Rule 210, Subsection 301.2 of these rules.
- d. ~~The name and title of the individual within the organization who is accepting responsibility for the permit along with a signed statement by that person indicating such acceptance.~~
- e. ~~A description of the equipment to be transferred.~~
- f. ~~A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee.~~
- g. ~~Provisions for the payment of any fees pursuant to Rule 280 of these rules that will be due and payable before the effective date of transfer.~~
- h. ~~Sufficient information about the source's technical and financial capabilities of operating the source to allow the Control Officer to make the decision in Section 404.2 of this rule including:~~
  - (1) ~~The qualifications of each person principally responsible for the operation of the source.~~
  - (2) ~~A statement by the chief financial officer of the new permittee that it is financially capable of operating the source in compliance with the law, and the information that provides the basis for that statement.~~
  - (3) ~~A brief description of any action for the enforcement of any federal or state law, rule or regulation, or any county, city or local government ordinance relating to the protection of the environment, instituted against any person employed by the new permittee and principally responsible for operating the source during the five years preceding the date of application. In lieu of this description, the new permittee may submit a copy of the certificate of disclosure or 10-K form required under ARS 49-109, or a statement that this information has been filed in compliance with ARS 49-109.~~

**404.2** ~~The Control Officer shall deny the transfer if the Control Officer determines that the organization receiving the permit is not capable of operating the source in compliance with Article 3, Chapter 3, Title 49, Arizona Revised Statutes, the provisions of these rules, or the provisions~~

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~~of the permit. Notice of the denial stating the reason for the denial shall be sent to the original permit holder by certified mail stating the reason for the denial within ten working days of the Control Officer's receipt of the application. If the transfer is not denied within ten working days after receipt of the notice, the Control Officer shall approve such permit transfer.~~ **For A Source Without A Non-Title V Permit Or A Title V Permit:**

- a.** If an existing source not required to have a permit under these rules becomes subject to National Emission Standards For Hazardous Air Pollutants (NESHAP) promulgated by the Administrator pursuant to Section 112(d) of the Act, a timely application is a permit application that has been submitted within 12 months of the date on which the standard is promulgated.
- b.** If an existing source, which becomes subject to NESHAP, submits a timely and complete application, that source is not in violation of these rules.
- c.** If, while processing the timely and complete application, the Control Officer determines that additional information is necessary to evaluate or to take final action on that application, the Control Officer may request such information in writing and may set a reasonable deadline for a response. Except for minor permit revisions as set forth in Rule 210 and Rule 220 of these rules, a source's ability to continue operating without a permit, shall be in effect from the date the application is determined to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Control Officer. The Control Officer may, after one submittal by the applicant pursuant to this rule, reject an application that is still determined to be incomplete and shall notify the applicant of the decision by certified mail.

404.3 ~~To appeal the transfer denial:~~

- ~~a. Both the transferor and transferee shall petition the hearing board in writing for a public hearing; and~~
- ~~b. The appeal process for a permit shall be followed.~~

**405 PERMITS CONTAINING THE TERMS AND CONDITIONS OF FEDERAL DELAYED COMPLIANCE ORDERS (DCO) OR CONSENT DECREES:**  
**PERMIT TAMPERING:** No person shall willfully deface, alter, forge, counterfeit, or falsify any permit issued under the provisions of these rules.

405.1 ~~The terms and conditions of either a DCO or consent decree shall be incorporated into a permit through a permit revision. In the event the permit expires prior to the expiration of the DCO or consent decree, the DCO or consent decree shall be incorporated into any permit renewal.~~

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- 405.2 ~~The owner or operator of a source subject to a DCO or consent decree shall submit to the Control Officer a quarterly report of the status of the source and construction progress and copies of any reports to the Administrator required under the order or decree. The Control Officer may require additional reporting requirements and conditions in permits issued under this rule.~~
- 405.3 ~~For the purpose of this rule, sources subject to a consent decree issued by a federal court shall meet the same requirements as those subject to a DCO.~~
- 406 ~~APPEAL: Denial or revocation of a permit shall be stayed by the permittee's written petition for a hearing, filed in accordance with Rule 400 of these rules.~~ **PERMIT ACCESS:** Any person who has been granted a permit shall keep the complete permit accessible on the site where the permitted activity is occurring. For the purposes of this section, "complete permit" means whatever paperwork the Control Officer submits to the source as the approved permit (i.e., the permit signed by the Control Officer, and/or the permit conditions, and/or the equipment list)".
- 407 ~~AIR QUALITY IMPACT MODELS:~~ **PERMIT REOPENINGS:**
- 407.1 ~~Where the Control Officer requires a person requesting a permit to perform air quality impact modeling, the modeling shall be performed in a manner consistent with the "Guideline on Air Quality Models (Revised)" (EPA-450/2-78-027R, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, July 1986) and "Supplement B to the Guideline on Air Quality Models" (U.S. Environmental Protection Agency, September 1990). Both documents shall be referred to hereinafter as "Guideline", and are adopted by reference.~~ **Reopening For Cause By The Control Officer:**
- a.** A permit shall be reopened and reissued under any of the following circumstances:
- (1)** Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire.
- (2)** Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Title V permit.

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**(3)** The Control Officer or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

**(4)** The Control Officer or the Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements. See Section 408 (Permit Revocation) of this rule for details regarding permit revocation.

**b.** Proceedings to reopen and reissue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall, except for reopenings under Subsection 407.1(a)(1) of this rule, affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as is practicable.

**c.** Action to reopen a permit under this section shall not be initiated before a notice of such intent is provided to the permittee by the Control Officer at least 30 days in advance of the date that the permit is to be reopened, except that the Control Officer may provide a shorter time period in the case of an emergency or with the concurrence of the permittee

**407.2** ~~Model Substitution: Where the person requesting a permit can demonstrate that an air quality impact model specified in the guideline is inappropriate, the model may be modified or another model substituted. However, before such modification or substitution can occur, the Control Officer must make a written finding that:~~ **Reopening For Cause By The Administrator:**

**a.** ~~No model in the guideline is appropriate for a particular permit under consideration; or~~ **All Permits Except Title V Permits:** If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit pursuant to Subsection 407.1 of this rule, the Administrator may notify, in writing, the Control Officer and the permittee of such finding.

**b.** ~~The data base required for the appropriate model in the guideline is not available; and~~ **For Title V Permits:** Within ten days of receipt of notice from the Administrator that cause exists to reopen a Title V permit, the Control Officer shall notify the source.

**c.** ~~A model proposed as a substitute or modification is likely to produce results equal or superior to those obtained by models in the guideline~~ Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, the Control Officer shall forward to the Administrator a proposed determination of termination, modification, or revocation and

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reissuance of the permit. The Control Officer may request a 90 day extension of this limit if it is necessary to request a new or revised permit application or additional information from the applicant for, or holder of, a Title V permit.

- d.** The Control Officer shall have 90 days from receipt of an objection by the Administrator to attempt to resolve the objection.

408 ~~TESTING PROCEDURES: Except as otherwise specified, the applicable testing procedures contained in the Arizona Testing Manual for Air Pollutant Emissions shall be used to determine compliance with standards or permit conditions established pursuant to these rules.~~ **PERMIT REVOCATION:**

**408.1** The Control Officer may revoke a permit if:

- a.** The Control Officer finds that a source has not been constructed in accordance with the permit.
- b.** The Control Officer has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.
- c.** The person applying for the permit failed to disclose a material fact required by the permit application form or the regulation applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.
- d.** The terms and conditions of the permit have been or are being violated and the violation has not been corrected within a reasonable period of time as specified by the Control Officer.

**408.2** If the Control Officer revokes the permit, the Control Officer shall notify the permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the revocation and explaining that the permittee is entitled to a hearing pursuant to ARS §49-482.

**408.3** Revocation of a permit shall be stayed by the permittee's written petition for a hearing, filed in accordance with Rule 400 of these rules.

409 ~~PERMIT FEES: A fee shall be charged for each facility. No permit is valid until the applicable permit fee has been received and until the permit is issued by the Control Officer.~~ **PERMIT TERMINATION:** A permittee may request in writing that his permit be terminated for cause.

410 ~~PORTABLE SOURCES:~~ **PERMITS CONTAINING THE TERMS AND CONDITIONS OF FEDERAL DELAYED COMPLIANCE ORDERS (DCO) OR CONSENT DECREES:**

**410.1** An owner or operator of a portable source which will operate for the duration of its permit solely in Maricopa County shall obtain a permit

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~~from the Control Officer for Maricopa County and is subject to Sections 410.2, 410.3, and 410.4 of this rule. A portable source with a current State of Arizona permit need not obtain a Maricopa County permit but is subject to Sections 410.3, 410.4, and 410.5 of this rule. Any permit for a portable source shall contain conditions that will assure compliance with all applicable requirements at all authorized locations. The terms and conditions of either a DCO or consent decree shall be incorporated into a permit through a permit revision. In the event the permit expires prior to the expiration of the DCO or consent decree, the DCO or consent decree shall be incorporated into any permit renewal.~~

- 410.2** ~~An owner or operator of a portable source which has a Maricopa County permit but proposes to operate outside of Maricopa County shall obtain a permit from the Director. Upon issuance of a permit by the Director, the Control Officer shall terminate the Maricopa County permit for that source. If the owner or operator relocates the portable source in Maricopa County, the owner or operator shall notify the Control Officer as required by Section 410.4 of this rule of the relocation of the portable source. Whenever the owner or operator of a portable source operates a portable source in Maricopa County, such owner or operator shall comply with all regulatory requirements in these rules. The owner or operator of a source subject to a DCO or consent decree shall submit to the Control Officer a quarterly report of the status of the source and construction progress and copies of any reports to the Administrator required under the order or decree. The Control Officer may require additional reporting requirements and conditions in permits issued under this rule.~~
- 410.3** ~~An owner of a portable source which requires a permit under this rule shall obtain the permit prior to renting or leasing said portable source. This permit shall be provided by the owner to the renter or lessee, and the renter or lessee shall be bound by the permit provisions. In the event a copy of the permit is not provided to the renter or lessee, both the owner and the renter or lessee shall be responsible for the operation of the portable source in compliance with the permit conditions and any violations thereof. For the purpose of this rule, sources subject to a consent decree issued by a federal court shall meet the same requirements as those subject to a DCO.~~
- 410.4** ~~A portable source may be transported from one location to another within or across Maricopa County boundaries provided the owner or operator of such portable source notifies the Director and any Control Officer who has jurisdiction over the geographic area that includes the new location of the portable source by certified mail at least ten working days before the portable source is transported to the new location. The notification required under this rule shall include:~~

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- a. ~~A description of the portable source to be transported including the Maricopa County permit number or the State of Arizona permit number for such portable source;~~
  - b. ~~A description of the present location;~~
  - c. ~~A description of the location to which the portable source is to be transported, including the availability of all utilities, such as water and electricity, necessary for the proper operation of all control equipment;~~
  - d. ~~The date on which the portable source is to be moved;~~
  - e. ~~The date on which operation of the portable source will begin at the new location; and~~
  - f. ~~The duration of operation at the new location.~~
- 410.5 ~~An owner or operator of a portable source with a current State of Arizona permit that moves such portable source into Maricopa County shall notify the Control Officer that such portable source is being transported to a new location and shall include in such notification a copy of the State of Arizona permit and a copy of any conditions imposed by the State of Arizona permit. The source shall be subject to all regulatory requirements of these rules.~~
- 411 PUBLIC RECORDS; CONFIDENTIALITY: **ACCELERATED PERMITTING:**  
Nothing in this section shall affect the public participation requirements of Rules 210 or 220 of these rules, or EPA and affected state review as required under Rule 210 of these rules.
- 411.1 ~~The Control Officer shall make all permits, including all elements required to be in the permit pursuant to Rule 210 of these rules and Rule 220 of these rules available to the public.~~ **Requesting Accelerated Permitting:** An applicant for a Title V permit, a Non-Title V permit, and any permit revision may request accelerated permitting. Such a request shall be submitted in writing to the Control Officer, who will follow the accelerated permitting schedule described below in Subsection 411.2 of this rule, unless the Control Officer notifies the applicant, at the time the request for accelerated permitting is made, that the request will not be granted. Title V sources and Synthetic Minor sources shall submit such a request at least seven days in advance of filing the application, but the Control Officer may waive this requirement upon request for good cause.
- 411.2 ~~A notice of confidentiality pursuant to ARS 49-487(c) shall:~~ **Scheduling Accelerated Permitting:** When an applicant has requested accelerated permit processing, the Control Officer may, to the extent practicable, undertake to process the permit or permit revision in accordance with the following schedule:
- a. ~~Precisely identify the information in the application documents which is considered confidential.~~ Within 90 days after the Control Officer determines that an initial Non-Title V permit



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application or a non-minor permit revision is complete, the Control Officer shall publish notice of the proposed permit or permit revision or deny the permit or permit revision.

- b. ~~Contain sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets or, if applicable, how the information, if disclosed, could cause substantial harm to the person's competitive position.~~ Except for a new major source or a major modification subject to the requirements of Rule 240 of these rules, an application for a new permit or a significant permit revision shall be deemed to be complete unless the Control Officer notifies the applicant by certified mail within 30 days of receipt of the application that the application is not complete. Within 120 days after the Control Officer determines that an initial Title V permit application or significant permit revision is complete, the Control Officer shall publish notice of the proposed permit or permit revision or deny the permit or permit revision.
- c. Within 30 days after receipt of the applications for coverage under a General Permit under Rule 230 of these rules, the Control Officer shall take final action.
- d. Within 60 days after receipt of the application for minor permit revisions governed by Rule 210 of these rules and Rule 220 of these rules, the permit revision shall be approved or denied.

~~411.3 Within 30 days of receipt of a notice of confidentiality that complies with Section 411.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secret or competitive position pursuant to ARS 49-487(C)(1) and so notify the applicant in writing. If the Control Officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Control Officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential.~~

**412 PERMIT FEES:** No permit or permit revision will be issued by the Control Officer until the applicable permit fee pursuant to Rule 280 of these rules has been received.

### **413 PUBLIC PARTICIPATION:**

**413.1 Public Participation Requirements For Non-Title V Sources:** Public Participation requirements for Non-Title V sources are described in Rule 220 (Non-Title V Permit Provisions) of these rules.

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### **413.2 Public Participation Requirements For Title V Sources: Public Participation requirements for Title V sources are described in Rule 210 (Title V Permit Provisions) of these rules.**

## **414 PORTABLE SOURCES:**

**414.1** An owner or operator of a portable source, which will operate for the duration of its permit solely in Maricopa County, shall obtain a permit from the Control Officer for Maricopa County and is subject to Subsections 414.2, 414.3, and 414.4 of this rule. A portable source with a current State of Arizona permit need not obtain a Maricopa County permit but is subject to Subsections 414.3, 414.4, and 414.5 of this rule. Any permit for a portable source shall contain conditions that will assure compliance with all applicable requirements at all authorized locations.

**414.2** An owner or operator of a portable source, which has a Maricopa County permit but proposes to operate outside of Maricopa County, shall obtain a permit from the Director. Upon issuance of a permit by the Director, the Control Officer shall terminate the Maricopa County permit for that source. If the owner or operator relocates the portable source in Maricopa County, the owner or operator shall notify the Control Officer as required by Subsection 414.4 of this rule of the relocation of the portable source. Whenever the owner or operator of a portable source operates a portable source in Maricopa County, such owner or operator shall comply with all regulatory requirements in these rules.

**414.3** An owner of a portable source, which requires a permit under this rule, shall obtain the permit prior to renting or leasing said portable source. This permit shall be provided by the owner to the renter or lessee, and the renter or lessee shall be bound by the permit provisions. In the event a copy of the permit is not provided to the renter or lessee, both the owner and the renter or lessee shall be responsible for the operation of the portable source in compliance with the permit conditions and any violations thereof.

**414.4** A portable source may be transported from one location to another within or across Maricopa County boundaries, provided the owner or operator of such portable source notifies the Director and any Control Officer who has jurisdiction over the geographic area that includes the new location of the portable source, by certified mail at least ten working days before the portable source is transported to the new location. The notification required under this rule shall include:

- a.** A description of the portable source to be transported including the Maricopa County permit number or the State of Arizona permit number for such portable source;
- b.** A description of the present location;

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- c. A description of the location to which the portable source is to be transported, including the availability of all utilities, such as water and electricity, necessary for the proper operation of all control equipment;
- d. The date on which the portable source is to be moved;
- e. The date on which operation of the portable source will begin at the new location; and
- f. The duration of operation at the new location.

**414.5** An owner or operator of a portable source with a current State of Arizona permit that moves such portable source into Maricopa County shall notify the Control Officer that such portable source is being transported to a new location and shall include in such notification a copy of the State of Arizona permit and a copy of any conditions imposed by the State of Arizona permit. The source shall be subject to all regulatory requirements of these rules.

## **SECTION 500 - MONITORING AND RECORDS (NOT INCLUDED)**

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### **RULE 200 APPENDIX A**

#### **TRANSITION FROM INSTALLATION AND OPERATING PERMIT PROGRAM TO UNITARY PERMIT PROGRAM**

- **Sources With a Valid Installation, Operating, or Conditional Permit:** A valid installation permit or operating permit issued by the Control Officer or a valid conditional permit issued by the hearing board before September 1, 1993, and the authority to operate as provided in Laws 1992, Chapter 299, Section 65, continue in effect until any of the following occurs:
  - a.** The Control Officer revokes an installation permit.
  - b.** The Control Officer issues or denies a Title V permit or a Non-Title V permit to the source.
  - c.** The hearing board revokes or modifies a conditional permit or the conditional permit expires. A source operating under a valid conditional permit may continue to operate in accordance with the terms and conditions of such permit after the expiration of the conditional permit if, at least 30 days prior to the expiration of the conditional permit, the source submits an application to the Control Officer for a Title V permit as described in Rule 210 of these rules or for a Non-Title V permit as described in Rule 220 of these rules.
- **Title V Sources With An Installation, Operating, Or Conditional Permit:** A source becomes subject to the requirements of the Title V permit program following November 29, 1996, the effective date of the Environmental Protection Agency's (EPA's) final interim approval of Maricopa County's Title V permit program, and when a source becomes subject to the applicability requirements as provided in this rule. Sources, which hold a valid installation, operating, or conditional permit and require a Title V permit, shall comply with the following provisions:
  - a.** The owner or operator of the source shall submit a permit application within 180 days of receipt of written notice from the Control Officer that an application is required or 12 months after the source becomes subject to the requirements of Title V of the Act (Permits) and the permit requirements of these rules, whichever is earlier.
  - b.** Any source, which has not yet submitted a Title V permit application, that wishes to make any source change not requiring a permit, an administrative permit revision, a minor permit revision, or a significant permit revision shall comply with the applicable provisions of Rule 210 of these rules.
- **Non-Title V Sources With An Installation, Operating, Or Conditional Permit:** Sources requiring a Non-Title V permit in existence on the date these rules become effective

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which hold a valid installation, operating, or conditional permit shall comply with the following provisions:

- a. All sources shall submit a permit application to the Control Officer within 90 days of receipt of written notice from the Control Officer that an application is required.
  - b. Any source that wishes to make any source change not requiring a permit, an administrative permit revision, a minor permit revision, or a non-minor permit revision shall comply with the applicable provisions of Rule 220 of these rules.
- **Written Notice:** For purposes of this subsection, written notice shall include, but not be limited to, a written warning, notice of violation, or order issued by the Control Officer for constructing or operating an emission source without a permit. Such a source shall be considered to be in violation of these rules on each day of operation or each day during which construction continues, until a permit is granted.
- **Sources Not Under Permit:**
  - a. All sources not in existence prior to the effective date of these rules shall first submit to the Control Officer an air quality permit application for the entire source before commencing construction of such source.
  - b. All sources in existence on the date these rules become effective not holding a valid installation permit and/or a valid operating permit issued by the Control Officer which have not applied for a Non-Title V permit pursuant to these rules shall submit to the Control Officer a permit application for the entire source.
- **Sources Which Currently Have An Installation Or Operating Permit:**
  - a. For sources in existence on the date these rules become effective holding a valid installation permit and/or a valid operating permit issued by the Control Officer, the Control Officer may establish a phased schedule for acting on permit applications received within the first full year after the source becomes subject to obtaining a Title V or a Non-Title V permit under these rules. The schedule shall assure that at least one-third of such applications will be acted on annually over a period not to exceed three years after such effective date. Based on this schedule, the Control Officer shall review a completed application in accordance with the provisions of these rules and shall issue or deny the applicable permit within 18 months after the receipt of the completed application.
  - b. Any application for an installation permit or an operating permit that is determined to be complete prior to the effective date of these rules but for which no permit has been issued shall be considered complete for the purposes of this section. In issuing a permit pursuant to such an application, the Control Officer shall include in the permit all elements addressed in the application and a schedule of compliance for submitting an application for a permit revision to

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address the elements required to be in the permit that were not included in the operating permit application or in the installation permit application. No later than six months after the effective date of these rules, the Control Officer shall take final action on an operating permit application or on an installation permit application determined to be complete prior to the effective date of these rules.